

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CAROL BILLIE OSHANA, on behalf of)
herself and all others similarly situated,)

Plaintiff,)

vs.)

No. 07 C 352

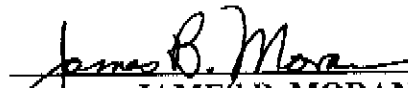
PEPSICO, INC., a North Carolina)
corporation,)

Defendant.)

MEMORANDUM OPINION AND ORDER

Plaintiff moves for reconsideration of the denial of her motion to remand. That motion is denied. The Court of Appeals has ruled that the ability to amend was enough to establish removability. And while the third removal was well over a year later, we think the rather peculiar circumstances satisfy the catchall provision of Rule 60(b)(6) of the Federal Rules of Civil Procedure, because the removal was shortly after the ruling in Judge Conlon's case. The bottom line is that two almost identical cases were headed in different directions, the Court of Appeals determined what it considered to be the appropriate direction, and this case should follow that same direction.

June 1, 2007.



JAMES B. MORAN
Senior Judge, U. S. District Court